

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

ANDREW MONROE, # M-28372

Plaintiff,

vs.

CIVIL NO. 3:15-cv-00961-NJR

**ILLINOIS DEPARTMENT
OF CORRECTIONS,
LAWRENCE CORRECTIONAL
CENTER,
STEVE DUNCAN,
COUNSELOR RAY,
JOHN DOE #1, and
John Doe #2,**

Defendants.

MEMORANDUM AND ORDER

ROSENSTENGEL, District Judge:

On July 26, 2011, this Court dismissed Plaintiff's complaint for failure to state a claim upon which relief may be granted. (Doc. 10.) Plaintiff was ordered to submit an amended complaint no later than October 26, 2015, if he wished to further pursue his claims. He was also warned that if he failed to timely submit an amended complaint, this action would be dismissed with prejudice, and the dismissal would count as a "strike" under 28 U.S.C. § 1915(g). Plaintiff's deadline has now passed, and he has not submitted any amended pleading.

IT IS THEREFORE ORDERED that this case is **DISMISSED with prejudice** for failure to state a claim upon which relief may be granted. *See* 28 U.S.C. 1915A(b)(1). This dismissal shall count as a strike pursuant to 28 U.S.C. § 1915(g).

If Plaintiff wishes to appeal the dismissal of this case, he may file a notice of appeal with this Court within thirty days of the entry of judgment. FED. R. APP. P. 4(a)(1)(A). A motion for

leave to appeal *in forma pauperis* should set forth the issues Plaintiff plans to present on appeal. *See* FED. R. APP. P. 24(a)(1)(C). If Plaintiff does choose to appeal, he will be liable for the \$505.00 appellate filing fee irrespective of the outcome of the appeal. *See* FED. R. APP. P. 3(e); 28 U.S.C. § 1915(e)(2); *Ammons v. Gerlinger*, 547 F.3d 724, 725-26 (7th Cir. 2008); *Sloan v. Lesza*, 181 F.3d 857, 858-59 (7th Cir. 1999); *Lucien v. Jockisch*, 133 F.3d 464, 467 (7th Cir. 1998). Moreover, if the appeal is found to be nonmeritorious, Plaintiff may incur another “strike.” A timely motion filed pursuant to Federal Rule of Civil Procedure 59(e) may toll the 30-day appeal deadline. FED. R. APP. P. 4(a)(4).

The Clerk’s Office is **DIRECTED** to close this case and enter judgment accordingly.

IT IS SO ORDERED.

DATED: November 17, 2015

The image shows a handwritten signature in black ink that reads "Nancy J. Rosenstengel". The signature is written in a cursive, flowing style. Behind the signature, there is a faint, circular official seal of the United States District Court for the Northern District of Illinois.

NANCY J. ROSENSTENGEL
United States District Judge